

**REMARKS**

Reconsideration of the application is respectfully requested.

**I. Status of the Claims**

Claims 1-5 and 7-11 are pending.

Claims 6 and 12-15 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 8 - 11 are amended, and new claims 16 and 17 are added. No new matter is introduced. Support for the amendments may be found, for example, with reference to Applicant's specification at page 20, line 5 through page 21, line 2.

**II. Claim Rejections under 35 U.S.C. § 102/103**

Claims 1-4 and 7-11 are rejected under 35 U.S.C. §102(e) as anticipated by Ehrnsperger et al. (U.S. Patent No. 6,160,200, herein "Ehrnsperger"). Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Ehrnsperger in view of Roe et al. (U.S. Patent No. 5,607,760, herein "Roe"). Applicant respectfully traverses the rejections.

Independent claims 1 and 8 are each directed to an absorbent article comprising a main body having a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between the top sheet and the back sheet. A skin-protective ingredient containing layer is applied to a surface of the top sheet in order to be transferred to form an oily film on the skin of a wearer to protect against

irritation of the skin. A support layer substantially entirely and directly coats the skin-protective ingredient containing layer.

Ehrnsperger discloses a disposable absorbent article comprising a main body having a liquid-pervious top sheet 24, a back sheet 26 and an absorbent core 28 sandwiched between the top sheet and the back sheet (see, e.g., FIGs. 1 and 2 of Ehrnsperger). Portions of the absorbent article may be coated with a lotion for protecting against skin irritation (see, e.g., Col. 6: 64 - Col. 7: 11 and Col. 14: 44 - 50 of Ehrnsperger). The disposable absorbent article may also include a waste passage member 60 including soluble material 66 which is intended to dissolve to enable the one-way passage of waste materials through waste passage member 60 and into the absorbent core.

In a Response to Office Action mailed November 21, 2006, Applicant argued that Ehrnsperger failed to anticipate Applicant's claimed invention because Ehrnsperger failed to disclose "a support layer [(waste passage member 60) that] substantially entirely and directly [coats] said skin-protective ingredient containing layer," as recited in each of claims 1 and 8-10. In the present Office Action, the Examiner finds this argument to be unpersuasive, suggesting that because Ehrnsperger discloses that the soluble material 66 of waste passage member 60 is described as covering 'at least a portion of the body facing surface of the article,' Ehrnsperger anticipates an article in which the support layer fully covers the skin-protective ingredient containing layer. Applicant respectfully disagrees.

Applicant submits that a full and fair reading of Ehrnsperger does not suggest to one skilled in the art that Ehrnsperger was in possession of an absorbent article having a waste passage member 60 that coats a skin-protective ingredient containing layer of the article. Although Ehrnsperger

discloses at Col. 6: 64 - Col. 7: 11, that the top sheet 24 may be coated with a lotion, this description is made with reference to an embodiment of the absorbent article for which the waste passage member 60 has not explicitly been included. Moreover, in a subsequent description of the waste passage member 60, Ehrnsperger references a lotion as being integral with or disposed on the waste passage member 60 for application to the wearer's skin (see, e.g., Col. 14: 24 - 34 and 44 - 50 of Ehrnsperger). As waste passage member 60 is intended to function to draw waste materials away from the wearer's skin, one skilled in the art would be strongly dissuaded from applying Ehrnsperger's waste passage member 60 over a lotion layer that is intended to be transferred toward the wearer's skin.

Even assuming *arguendo* that Ehrnsperger can fairly be read to teach or suggest coating a lotion layer of the absorbent article with the soluble material 66 of waste passage member 60, Applicant never-the-less submits that, in order to provide for the directional passage of waste from a skin-facing side toward a garment-facing side of the absorbent article, waste passage member 60 must for some portion effectively include a barrier material 68 on the garment-facing side between top sheet 24 and soluble material 66 (see, e.g., FIG. 4 of Ehrnsperger). If the positions of barrier material 68 and soluble material 66 were for example reversed, barrier material 68 would inhibit the dissolution of soluble material 66. As a result, since soluble material 66 must in some portion overlie barrier material 68, it cannot reasonably meet the requirements of Applicant's claimed invention to "substantially entirely and directly [coat the] skin-protective ingredient containing layer" without the interjection of barrier material 68.

Therefore, for at least the above-argued reasons, Applicant submits that the present invention as claimed in independent claims 1 and 8 is patentably distinguishable over Ehrnsperger, and that independent claims 1 and 8 are therefore allowable. As claims 2 - 5, 7 and 9 - 11 depend from allowable independent claim 1, Applicant also submits that dependent claims 2 - 5, 7 and 9 - 11 are also allowable for at least this reason.

Accordingly, Applicant respectfully requests that the rejections of claims 1-4 and 7-11 under 35 U.S.C. §§102(e), 103(a) be withdrawn.

### **III. New Claims**

Claims 16 and 17 are added. As claims 16 and 17 each depend from allowable claim 1, Applicant respectfully submits that new claims 16 and 17 are also allowable for at least this reason. Applicant also submits that new claims 16 and 17 are allowable on additional grounds.

New claims 16 and 17 claim:

**Claim 16** The absorbent article as set forth in claim 1, wherein said skin-protective ingredient containing layer and said support layer are provided in regions of the absorbent article that are fitted to the thighs of the wearer.

**Claim 17** The absorbent article as set forth in claim 1, wherein said skin-protective ingredient containing layer and said support layer are provided in regions of the absorbent article that are fitted to one or more of the back, the buttocks or the abdominal region of the wearer.

Applicant respectfully submits that Ehrnsperger nowhere discloses or otherwise suggests that the soluble material 66 of waste passage member 60 extends to any of the skin-protective regions of the absorbent article claimed by new claims 16 and 17 (i.e., regions fitted to one or more

of the thighs, back, buttocks or abdominal region of the wearer). Applicant submits that Ehrnsperger in fact teaches away from providing the soluble material 66 in any of the regions claimed by Applicant in new claims 16 and 17, as these regions are not regions in which bodily waste is generated which would dissolve the soluble material 66 to allow the passage of waste into waste passage member 60.

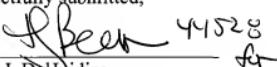
Accordingly, Applicant respectfully requests that new claims 16 and 17 be passed to allowance.

### **CONCLUSION**

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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